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**FEB 05 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Jorn Maeritz :  
Application No. 10/706,612 : LETTER REGARDING  
Filed: November 12, 2003 : PATENT TERM ADJUSTMENT  
Attorney Docket No. 10808/112 :

This is in response to the REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT filed October 30, 2007. Applicant discloses that the patent term adjustment (PTA) indicated on the Determination of Patent Term Adjustment may extend the term of this patent by too many days.

The request for review of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is TEN (10) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On July 31, 2007, the Office mailed a Notice of Allowance with the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 65 days. Applicant does not state a basis for their disclosure that the patent term adjustment may be in error.

Nonetheless, a review of the application history confirms that additional periods of reduction should have been entered pursuant to 37 CFR §§ 1.704(b) and 1.704(c)(10). First, of all, applicant did not file the Issue fee payment in response to the first Notice of Allowance mailed February 7, 2007, until May 8, 2007<sup>1</sup>. Accordingly, a period of reduction of 1 day should have been entered pursuant to 37 CFR 1.704(b).

Moreover, after the mailing of the first Notice of Allowance on February 7, 2007, on June 8, 2007, applicant filed a Request for Continued Examination (RCE) and IDS (and petition to withdraw from issue). Prior to filing the RCE, applicant paid the Issue Fee. As discussed above, this set the calculation of the period of reduction pursuant to 37 CFR 1.704(b), if any, for applicant delay. The filing of the RCE and IDS after the mailing of the Notice of Allowance constituted a failure to engage pursuant to 37 CFR 1.704(c)(10). This period is 54 days, counting the number of days in the period beginning on June 8, 2007, the date of filing of the RCE and IDS and ending on July 31, 2007, the date of mailing of the new Notice of Allowance in response.

In view thereof, the correct patent term adjustment at the time of mailing of the second Notice of Allowance is TEN (10) days.

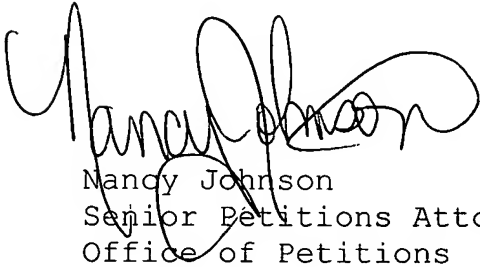
As this letter was submitted to advise the Office of an error in applicant's, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks applicant for their good faith and candor in bringing this to the attention of the Office.

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

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<sup>1</sup> The Issue Fee payment was timely by virtue of a certificate of mailing dated May 4, 2007. It is noted that "[t]he date indicated on any certificate of mailing or transmission under § 1.8 shall not be taken into account in this calculation" of patent term adjustment.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is stylized with large, flowing loops and a prominent initial "N".

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of REVISED PALM screen

## PTA Calculations for Application: 10/706612

Application Filing Date:	11/12/2003	PTO Delay (PTO):	192
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	127
Post-Issue Petitions:	0	Total PTA (days):	10
PTO Delay Adjustment:	-55		

## File Contents History

Number	Date	Contents Description	PTO	APPL	START
104	02/01/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		1	
103	02/01/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		1	
102	02/01/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	1		
101	02/01/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		54	
95	07/31/2007	MAIL NOTICE OF ALLOWANCE			
94	07/30/2007	ISSUE REVISION COMPLETED			
93	07/10/2007	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
92	07/10/2007	DOCUMENT VERIFICATION			
91	07/10/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
90	07/09/2007	NOTICE OF ALLOWABILITY			
89	06/08/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
88	06/08/2007	REFERENCE CAPTURE ON IDS			
87	06/08/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
86	07/02/2007	DATE FORWARDED TO EXAMINER			
85	06/08/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
84	07/02/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
83	06/08/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
82	06/11/2007	MAIL-RECORD PETITION DECISION OF GRANTED TO WITHDRAW FROM ISSUE - WITH ASSIGNED PATENT NO.			
81	06/11/2007	WITHDRAWAL PATENT CASE FROM ISSUE			
80	06/08/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			

79	06/08/2007	WITHDRAWAL PATENT CASE FROM ISSUE			
78	06/08/2007	PETITION ENTERED			
77	05/23/2007	ISSUE NOTIFICATION MAILED			
76	06/12/2007	PATENT ISSUE DATE USED IN PTA CALCULATION			
75	05/15/2007	EXPORT TO FINAL DATA CAPTURE			
74	05/14/2007	DISPATCH TO FDC			
73	05/14/2007	APPLICATION IS CONSIDERED READY FOR ISSUE			
72	05/08/2007	ISSUE FEE PAYMENT VERIFIED			
71	05/08/2007	ISSUE FEE PAYMENT RECEIVED			
70	03/19/2007	FINISHED INITIAL DATA CAPTURE			
69	02/09/2007	EXPORT TO INITIAL DATA CAPTURE			
68	02/07/2007	MAIL NOTICE OF ALLOWANCE			
67	02/07/2007	MAIL EXAMINER'S AMENDMENT			
66	02/05/2007	ISSUE REVISION COMPLETED			
65	02/05/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
64	02/05/2007	EXAMINER'S AMENDMENT COMMUNICATION			
63	02/05/2007	NOTICE OF ALLOWABILITY			
62	01/11/2007	DATE FORWARDED TO EXAMINER			
61	12/26/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
60	01/11/2007	DATE FORWARDED TO EXAMINER			
59	12/26/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)		62	51
58	01/11/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
57	12/26/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
56	12/26/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
55	10/17/2006	MAIL ADVISORY ACTION (PTOL - 303)			
54	10/16/2006	ADVISORY ACTION (PTOL-303)			
53	09/30/2006	DATE FORWARDED TO EXAMINER			
52	09/27/2006	AMENDMENT AFTER FINAL REJECTION			
51	07/25/2006	MAIL FINAL REJECTION (PTOL - 326)	32		48
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47	02/23/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
46	02/23/2006	NEW OR ADDITIONAL DRAWING FILED			
45	09/20/2005	MAIL NON-FINAL REJECTION			
44	09/19/2005	NON-FINAL REJECTION			
43	06/28/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
42	07/25/2005	DATE FORWARDED TO EXAMINER			
41	07/21/2005	RESPONSE TO ELECTION / RESTRICTION FILED			
40	06/21/2005	MAIL RESTRICTION REQUIREMENT	160		-1
39	06/20/2005	REQUIREMENT FOR RESTRICTION / ELECTION			
38	05/10/2005	CASE DOCKETED TO EXAMINER IN GAU			
37	02/01/2005	CASE DOCKETED TO EXAMINER IN GAU			
36	02/01/2005	CASE DOCKETED TO EXAMINER IN GAU			
35	02/01/2005	CASE DOCKETED TO EXAMINER IN GAU			
34	01/18/2005	CASE DOCKETED TO EXAMINER IN GAU			
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31	11/09/2004	CASE DOCKETED TO EXAMINER IN GAU			
30	10/29/2004	CORRESPONDENCE ADDRESS CHANGE			
29	10/27/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
28	10/27/2004	CASE DOCKETED TO EXAMINER IN GAU			
27	06/28/2004	REFERENCE CAPTURE ON IDS			
26.7	06/28/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
26	06/28/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
25	06/28/2004	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
24	06/28/2004	PRELIMINARY AMENDMENT			
23	10/18/2004	TRANSFER INQUIRY TO GAU			
22	08/26/2004	APPLICATION RETURN FROM OIPE			
21	08/26/2004	APPLICATION RETURN TO OIPE			
20	08/26/2004	APPLICATION RETURN FROM OIPE			
19	08/26/2004	APPLICATION IS NOW COMPLETE			
18	08/26/2004	APPLICATION RETURN TO OIPE			
17	08/26/2004	APPLICATION RETURN FROM OIPE			
16	08/26/2004	APPLICATION IS NOW COMPLETE			

15	08/26/2004	APPLICATION RETURN TO OIPE			
14	08/26/2004	APPLICATION DISPATCHED FROM OIPE			
13	08/26/2004	APPLICATION IS NOW COMPLETE			
12	06/28/2004	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
10	06/28/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
9	06/28/2004	TRANSLATION OF CLAIMS INTO ENGLISH			
8	06/28/2004	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
7	06/28/2004	TRANSLATION OF SPECIFICATION INTO ENGLISH			
6	04/26/2004	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
4	02/09/2004	CLEARED BY L&R (LARS)			
3	01/29/2004	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
2	12/17/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	11/12/2003	INITIAL EXAM TEAM NN			

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#### EXPLANATION OF PTA CALCULATION

#### EXPLANATION OF PTE CALCULATION

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